
**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF UTAH**

IN THE MATTER IMPLEMENTATION
OF THE AMENDED PRO BONO
ASSISTANCE PROGRAM

General Order No.: 22-001

The United States District Court for the District of Utah has entered an order approving the Bankruptcy Court's Pro Bono Assistance Program dated August 10, 2022 (the "Program"), a copy of which is attached to this General Order as Exhibit A, to assist qualified individual debtors in defending an adversary proceeding affecting their discharge and other individuals responding to demands under the Chapter 5 of the Bankruptcy Code Sections 544, 547, 548, 549 and 550. In furtherance of this approval of the Program, the Court hereby ORDERS as follows:

Upon the filing of an adversary proceeding in this District that includes a claims for relief under Sections 523, 727, 544, 547, 548, 549 or 550 of the Bankruptcy Code, the Clerk of the Court shall, at the same time as the issuance of the summons, mail to the individual debtor/defendant(s) and/or other defendants a notice of the availability of the Program in a form that substantially complies with the forms attached as Exhibits B and C.

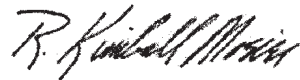
Attached as Exhibit D are the policies and parameters for allowing fees and costs for pro bono attorneys.

Dated this 29th day of September, 2022

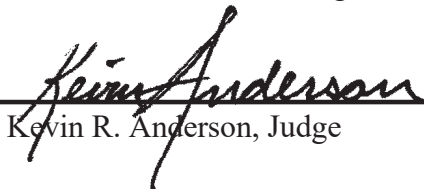
BY THE COURT:



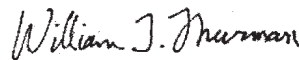
Joel T. Marker, Chief Judge



R. Kimball Mosier, Judge



Kevin R. Anderson, Judge



William T. Thurman, Judge

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF THE
PRO BONO PROGRAM
FOR THE BANKRUPTCY COURT

**General Order
22-013**

In August of 2016, under [General Order 16-004](#), the Court approved the Pro Bono Discharge Assistance Program (Program) for the United States Bankruptcy Court for the District of Utah. The Bankruptcy Court then implemented the Program under a separate order, Bankruptcy Court [General Order 16-001](#).

The Program was initially designed to assist qualified debtors in defending an adversary proceeding affecting discharge under Sections 523 and 727 of the Bankruptcy Code. Due to the success of the Program and support from attorneys, the Bankruptcy Court, in coordination with the Bankruptcy Section of the Utah State Bar Association, seeks to expand the Program to include additional areas of pro bono representation. Therefore, the authority granted in [General Order 16-004](#) and Bankruptcy Court [General Order 16-001](#) remains in effect except as modified by this Order. If there is an inconsistency between [General Order 16-004](#) and this Order, this Order governs. After careful consideration, the Court approves and authorizes:

Program Expansion and Reimbursement

1. the expansion of the Program to include matters arising under:
 - a. Section 523 (challenges to discharge of specific debts);
 - b. Section 727 (challenges to the entire discharge of a debtor); and
 - c. Chapter 5 or matters that have the potential to arise under that chapter (generally referred to avoidance rights and remedies for a trustee in bankruptcy) related to Sections 544, 547, 548, 549 and 550 of the Bankruptcy Code.

2. the Bankruptcy Court, in conjunction with the support of an ad hoc committee organized by the Bankruptcy Section of the Utah State Bar Association, to engage in outreach efforts to identify attorneys and law firms to accept pro bono appointments under the Program, as implemented by the Bankruptcy Court.

3. disbursement from the Attorney Admission Fund (Fund) in an amount up to Utah District Court Pro Bono Program reimbursement cap per case, proceeding, or contested matter to reimburse pro bono counsel as permitted under the Utah District Court Pro Bono Program.

4. the District Court Clerk of Court to make disbursements from the Fund to reimburse pro bono counsel or a service provider (e.g., interpreter, mediator, court reporter, etc.) retained by pro bono counsel, only after the Bankruptcy Court has determined the request is reasonable, within the reimbursement cap, and approved. The Bankruptcy Court will send a copy of the approved request to the District Court's Clerk of Court for consideration, review, processing, and payment.

5. the Bankruptcy Court to order repayment of any payments made from the Fund to counsel for fees or expenses in an amount equal to fees, expenses, and costs awarded. Repayment amounts will be deposited into the Fund.

Attorney Appearance and Withdrawal

IT IS FURTHER ORDERED that:

6. After acceptance of the pro bono appointment, the attorney must file an appearance or response. Thereafter, the pro bono attorney must communicate with the party and, if authorized by the appointment, explore all avenues to resolve the matter. The pro bono attorney must continue representation until the purpose and scope of the appointment has been fulfilled.

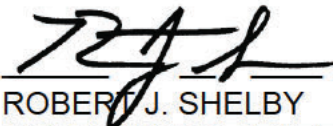
7. A pro bono attorney may file a motion to withdraw in the Bankruptcy Court action consistent with the rules and procedures in effect in the Bankruptcy Court at the time of filing the motion.

8. If the Bankruptcy Court grants the motion, the Bankruptcy Court may request that another attorney or firm be identified to accept the pro bono appointment.

9. The Bankruptcy Court must provide a copy of this Order to the pro bono attorney after the appointment has been accepted.

SO ORDERED this 10th day of August, 2022.

BY THE COURT:



ROBERT J. SHELBY
CHIEF U.S. DISTRICT JUDGE

Exhibit B

Upon the filing of a complaint seeking relief under 11 U.S.C. §§ 544, 547, 548, 549 or 550, the Clerk of the Court will either mail a copy of this notice to the debtor/defendant or other party as the case may be using his best efforts to locate the party. (see General Order No.: 22-001)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

*Notice Regarding Filing of a Complaint
Under Bankruptcy Code Sections 544, 547, 548, 549 or 550*

You have been named as a defendant in a complaint that seeks relief against you under 11 U.S.C. Sections 544, 547, 548, 549 or 550. If you have not yet been served with a copy of the summons and complaint, you likely will be within the next few days. This is a serious matter that you should not ignore.

You may qualify for free legal representation if 1) you are an individual, 2) you have limited income and 3) the complaint seeks relief against you under 11 U.S.C. Sections 544, 547, 548, 549 or 550. (Note: free legal representation is not available to non-individual entities, such as: trusts, partnerships, LLC, or corporations, etc.)

While all individuals are entitled to appear without an attorney and represent themselves in the bankruptcy court, this nonetheless requires full compliance with the law and procedural rules. This can be complex, confusing and can result in severe consequences for you personally. Before deciding to represent yourself in this complaint, which may result in an adverse ruling against you, you should consider consulting an attorney.

If you are an individual and cannot afford an attorney, you may qualify for free legal representation in defending against this complaint. To determine if you qualify, you must contact:

<p>Utah Legal Services 205 North 400 West Salt Lake City, UT 84103 Phone: 800.662.4245 Fax: 801.869.2715</p>

NOTE: When you contact Utah Legal Services, you must have a copy of your Summons and Complaint. Utah Legal Services will review your situation and determine if you are eligible for this program. If you qualify, a volunteer attorney may be appointed to represent you without payment of attorneys' fees. However, while some costs are covered by the program, you may still be responsible for the payment of other costs.

Exhibit C

Upon the filing of a complaint seeking relief under 11 U.S.C. §§ 523 or 727, the Clerk of the Court will mail a copy of this notice to the debtor/defendant (*see* General Order No. 22-001 and General Order No. 16-001)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

*NOTICE REGARDING THE FILING OF A COMPLAINT
OBJECTING TO YOUR BANKRUPTCY DISCHARGE*

You have been named as a defendant in a complaint, filed in your bankruptcy case, that seeks to either deny your discharge of all debts under 11 U.S.C. § 727 or to determine that a specific debt should be excepted from discharge under 11 U.S.C. § 523. If you have not yet been served with a copy of the summons and complaint, you likely will be within the next few days. Even if you have already received your bankruptcy discharge, this is a serious matter that you should not ignore.

While individual debtors are entitled to appear without an attorney and represent themselves in the bankruptcy court, this nonetheless requires full compliance with the law and procedural rules that can be complex and confusing that can result in severe consequences for you personally. Before deciding to represent yourself in this complaint, which may result in a full or partial denial of your financial fresh start under bankruptcy law, you should consider consulting an attorney.

If you cannot afford an attorney, you may qualify for free legal representation in defending against this complaint. To determine if you qualify, you must contact:

Utah Legal Services
205 North 400 West
Salt Lake City, UT 84103
Phone: 800.662.4245
Fax: 801.869.2715

NOTE: When you contact Utah Legal Services, you must have a copy of your Summons and Complaint readily available. Utah Legal Services will review your situation and determine if you are eligible for this program. If you qualify, a volunteer attorney may be appointed to represent you without payment of attorneys' fees. However, while some costs are covered by the program, you may still be responsible for the payment of other costs.

Exhibit D

Civil Case Pro Bono Program as adapted to the Bankruptcy Court

Purpose of the Civil Case Pro Bono Program

The purpose of the District of Utah Civil Case Pro Bono Program is to provide access to justice for those who are unable to afford representation in civil cases. The program appoints qualified attorneys for general, and limited purposes and may provide opportunities for attorneys to gain valuable litigation experience in a variety of cases from employment discrimination matters to violation of civil right claims.

DUCivR 83-1.1 Requires Active Attorneys to Accept Pro Bono Appointments

Under DUCivR 83-1.1(a)(3), active attorneys with court's bar agree to accept a reasonable number of pro bone appointments when requested by the court. The Bankruptcy Court's program will allow the same when a pro se party engages pro bono counsel.

Appointment Process

A judge may order appointment of pro bono counsel either under a general or limited representation. When pro bone counsel is ordered, the Clerk's Office will identify an attorney who will accept the appointment. The attorney must file an appearance of counsel. An order of appointment in bankruptcy cases shall not be necessary.

Reimbursement of Costs, Expenses, and Fees

Under General Order 22-017 and the Guide to Judiciary Policy, the court is authorized to use the Attorney Admission Fund to reimburse pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, witness fees, and other expenses for pro se civil litigants. Counsel seeking reimbursement for pro bono services and approved costs must file a detailed fee application with the bankruptcy court and proceed with the notice and hearing requirements for approval.

Procedure for Requesting Reimbursement of Costs, Expenses, and Fees

A motion or application for reimbursement of costs, expenses and fees must be filed no later than 45 days of the withdrawal of counsel, entry of judgment, or completion of the appointment. Interim requests for reimbursement are permissible.

For bankruptcy matters, the pro bono attorney must file the fee application with the bankruptcy court and proceed with the court's notice and hearing requirements. If the judge approves the application, the Clerk of Bankruptcy Court, shall submit the same to the Clerk of the District Court as custodian, of the Attorney Admission Fund, who will arrange for payment.

Allowable Costs, Expenses, and Fees

Costs and Expenses -

The following cost and expenses may be reimbursed as identified in 28 U.S.C. § 1920 and General Order 22-013:

- a. Fees for printed or electronically recorded transcripts necessarily obtained for use in the case;
- b. Fees and disbursements for printing and witnesses;
- c. Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
- d. Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under 28 U.S.C. §1828;
- e. An investigator or paralegal not to exceed \$100.00 per hour;
- f. Pre-authorized travel (limited to accommodations and transportation with a mileage at the rate for official government travel in effect at the time of the travel);
- g. Mediation; and
- h. Other preapproved costs/expenses.

Compensation -

Pro bono counsel may request fee reimbursement by proceeding to file and notice a fee application identifying the fees incurred, the date of the services, a brief summary of the work done and an itemized list of expenses, compensation, or costs with the Bankruptcy Court.

Non-Allowable Expenses

Reimbursement for the following costs or expenses is not authorized: general office expenses; personnel costs; rent; administrative assistance; equipment costs; and costs, legal fees, and sanctions awarded against a party.

Reimbursement Cap

The total amount that may be reimbursed per case must not exceed \$3,500, unless the chief judge of the District and the chief judge of the bankruptcy court approve the same above the cap. This cap is based on the District Court's program and it may change from year to year. Parties are directed to the District Court web page for any changes which the Bankruptcy Court will follow.

Repayment to the Attorney Admission Fund

Counsel must email a copy of any award or settlement document providing for payment of attorney's fees or costs to pro bona counsel to Tiffany_M_Brown@utd.uscourts.gov. To the extent the award duplicates reimbursed amounts, the court may order repayment be made to the fund.